

REMARKS

After entry of the present amendment, claims 1-6 and 8-19 will be pending. Claim 1-6 and 9-14 have been amended to correct typographical errors, to incorporate language more conventional in U.S. practice, and to even more particularly describe the recited inventions. Claim 7 has been canceled. Claims 15-19 are new and incorporate claim elements previously present in claim 14. No new matter has been added.

The pending claims are subject to a restriction requirement that classifies the claims into 26 groups. Groups I-XXIV are directed to subgenera combinations of $-a^1=a^2=a^3=a^4-$ (*i.e.*, a-1 through a-4) and Z^1-Z^2 (*i.e.*, b-1 through b-6). Group XXV contains claims 9-13, drawn to methods of prevention and/or treatment of diseases or disorders. Group XXVI, which in light of the present amendment is proposed to include claims 15-20 in addition to claim 14, is directed to processes for the preparation of compounds of Formula I. The Applicants respectfully traverse the restriction requirement, in part, and request reconsideration.

In claim 1, $-a^1=a^2=a^3=a^4-$ is defined as being one of four alternatives:

- N=CH-CH=CH- (a-1),
- CH=N-CH=CH- (a-2),
- CH=CH-N=CH- (a-3) or
- CH=CH-CH=N- (a-4)

Regardless of which of these alternatives is selected, the ring in which the alternatives are presented will still be a pyridinyl moiety, differing only in the placement of the nitrogen within the ring. The applicants submit that these compounds should have similar search classifications and examination of all of these alternatives in a single application would not present a serious search and examination burden. The Applicants respectfully submit the following revised restriction:

Group I: Claims 1-6 and 8, drawn to compounds and compositions
of Formula I, wherein $Z^1-Z^2 = -O-CH_2-O-$ (b-1).

- Group II: Claims 1-6 and 8, drawn to compounds and compositions of Formula I, wherein $Z^1-Z^2 = -O-CH_2-CH_2-O-$ (b-2).
- Group III: Claims 1-6 and 8, drawn to compounds and compositions of Formula I, wherein $Z^1-Z^2 = -NR^7-CH_2-CH_2-O-$ (b-3).
- Group IV: Claims 1 and 8, drawn to compounds and compositions of Formula I, wherein $Z^1-Z^2 = -O-CH_2-CH_2-NR^7-$ (b-4).
- Group V: Claims 1 and 8, drawn to compounds and compositions of Formula I, wherein $Z^1-Z^2 = -NR^7-CH_2-CH_2-NR^7-$ (b-5).
- Group VI: Claims 1 and 8, drawn to compounds and compositions of Formula I, wherein $Z^1-Z^2 = -S-CH_2-CH_2-O-$ (b-6).
- Group VII: Claims 9-13, drawn to methods of prevention and/or treatment of diseases or disorders using a compound of Groups I-VI.
- Group VIII: Claims 14-20, directed to processes for the preparation of compounds of Formula I.

Despite the traversal of the restriction requirement, it is the Applicants' understanding that a reply will not be deemed fully responsive unless a provisional election is made. In the event, the Applicants elect Group XIV, wherein $-a^1=a^2=a^3=a^4-$ is $-CH=CH-N=CH-$ (a-3) and $Z^1-Z^2 = -O-CH_2-CH_2-O-$ (b-2). Should the Examiner agree with Applicants' alternative proposal, Applicants elect proposed Group II.

The Office has further required that the Applicants elect a single species within the elected group. Applicants hereby elect the species of Compound No. 5, depicted in Table I, page 28 of the Specification. Claims 1-6 and 8 read on the elected species. It is Applicants' understanding that this species election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicants' claims. It is also Applicants' understanding that if the elected subject matter is found to be allowable over the prior art, the search and examination will be

DOCKET NO.: JANS-0088 (PRD2059USPCT)
Application No.: 10/556,931
Office Action Dated: October 22, 2007

PATENT

expanded to cover other species, until it includes the full scope of the generic claims included in the elected group.

The Applicants submit that the foregoing represents a *bona fide* response to the pending Office Action. An early and favorable examination on the merits is earnestly solicited.

Date: November 15, 2007

/Stephanie A. Barbosa/

Stephanie A. Barbosa

Registration No. 51,430

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439